



Attorney's Docket No. 5800-49(35800/184745)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Meyers #11
Appl. No.: 09/464,039 Group Art Unit: 1633
Filed: December 15, 1999 Examiner: S. Kausahl
For: 21612, A NOVEL HUMAN DEHYDROGENASE [Title as Amended]

November 19, 2001

DECLARATION UNDER 37 C.F.R. §1.802

Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned, Kathryn L. Coulter, declares and states,

1. That she has full and express authority to represent Millennium Pharmaceuticals, Inc., Assignee of Application No. 09/464,039 by assignment recorded in the United States Patent and Trademark Office on May 18, 2000, at Reel 010840 and Frame 0266.
2. That she has read and understands the above-captioned U.S. Patent Application Number 09/464,039, filed August 26, 1999, for "21612 A Novel Human Dehydrogenase." [Title as Amended]
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

<u>Strain</u>	<u>ATCC Accession No.</u>	<u>Date of Deposit</u>
<i>Escherichia coli</i> strain containing plasmid with human cDNA insert for the gene 21612: EP21612	<u>PTA-2170</u>	<u>6/27/2000</u>

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-captioned patent application, as filed.
5. That the Assignee hereby provides assurance that it will:

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[Title As Amended)

- a. During the pendency of the patent application, allow access to the deposited *Escherichia coli* strain containing plasmid with human cDNA insert for the gene 21612: EP21612 listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
 - b. Replace the deposited *Escherichia coli* strain containing plasmid with human cDNA insert for the gene 21612: EP21612 should it die or be destroyed:
 - (1) During the enforceable life of any patent issued out of the above-identified patent application,
 - (2) For five years after the last request for a sample of the deposited *Escherichia coli* strain containing plasmid with human cDNA insert for the gene 21612: EP21612, or
 - (3) For thirty years;
 - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the *Escherichia coli* strain containing plasmid with human cDNA insert for the gene 21612: EP21612 for the duration of the deposit; and
 - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Millennium Pharmaceuticals, Inc.

By: Kathryn L. Coulter Date: 11/19/2001
Kathryn L. Coulter
Registration No. 45,889